

TOWNSEND AND TOWNSEND AND CREW LLP
MARC M. GORELNIK (State Bar No. 166833)
MARY L. SHAPIRO (State Bar No. 201199)
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111
Telephone: (415) 576-0200
Facsimile: (415) 576-0300
Email: mmgorelnik@townsend.com
mlshapiro@townsend.com

Attorneys for Plaintiff
WIND OF TRADE LLC

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WIND OF TRADE LLC, a Nevada limited
liability company,

Plaintiff,

v.

MOSTAG INTERNATIONAL, INC., a
Pennsylvania corporation,

Defendant.

Case No. CV 07 6280SC

**[PROPOSED] TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION**

Plaintiff Wind of Trade LLC ("Wind of Trade") moved *ex parte* for a temporary restraining order and order to show cause against defendant Mostag International, Inc. ("Mostag"). Having considered the argument and evidence submitted by Plaintiff, and having provided Defendant with an opportunity to respond, the Court determines that good cause exists for Plaintiff's request, which is GRANTED subject to the limitations of this Order.

IT IS HEREBY ORDERED that defendant, shall show cause before this Court on _____, at _____ .m., in Courtroom 1, at 450 Golden Gate Avenue, San Francisco, California, or as soon thereafter as counsel may be heard, why an order pursuant to Federal Rule of Civil Procedure 65 should not be entered, granting the plaintiff a preliminary injunction,

1 enjoining the defendant and all those acting in concert with defendant, from using the OVE GLOVE
 2 trademark, the graphic design shown below, or confusingly similar variations thereof in connection
 3 with the sale, offering for sale, promotion, distribution or manufacture of hot surface handlers such as
 4 oven mitts.



5
6
7
8
9 Enjoined Graphic Design

10 IT IS FURTHER ORDERED that, pending the show cause hearing set forth in this Order, the
 11 defendant, its agents, servants, employees, attorneys, successors, and assigns, and all persons, firms,
 12 corporations, acting in concert with the defendant, be and are hereby temporarily restrained from sale,
 13 offering for sale, promotion, distribution or manufacture of hot surface handlers such as oven mitts
 14 and related goods and packaging that bear either:

- 15 1) the term OVE GLOVE;
 16 2) the enjoined graphic design; or
 17 3) terms or designs confusingly similar to the forgoing.

18 IT IS FURTHER ORDERED that this temporary restraining order is conditioned upon the
 19 plaintiff filing with the clerk of this court an undertaking in the form of a bond, company check or
 20 cash, in the amount of \$10,000, to secure the payment of costs and damages not to exceed that sum as
 21 may be suffered or sustained by any party who is wrongfully restrained by this order.

22
23
24 Dated: _____

 25 Hon. Samuel Conti

26 UNITED STATES DISTRICT JUDGE